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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,783	07/31/2001	Richard Arthur Bickers	30970031-1	1410

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/917,783

**Applicant(s)**BICKERS ET AL. *mN***Examiner**

Andrew L. Snizek

**Art Unit**

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,12,13,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 2,3,9,11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 12/28/01 has been considered.

### *Drawings*

The drawings filed 7/31/01 are acceptable by the examiner.

### *Specification*

The disclosure is objected to because of the following informalities: The application should be reviewed to correct minor errors such as the spelling of centralized as "centralized" as presently used in the title, page 15, line 20 and in the claims, for example claim 1, line 4; the spelling of utilization as "utilisation", claim 10.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 4-8, 10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al.

Re Claim 1: Kato et al. teaches an information storage system that operates by arranging a stream of data into partitioned logical data (figure 4A); providing an updateable central storage area (MIC) that stores position information (FL4) related to the logical data, using this information to locate target data (column 19, lines 44-47 and column 23, lines 36-61) and storing data position information in the storage area (column 20, lines 15-21)

Re claim 4: the claimed search algorithm reads on the search process as discussed in column 23, lines 35-61

Re claim 5: Kato et al. teaches arranging a steam of data into partitioned data that is stored on the tape (figure 4A); storing position data related to the logical data in an updateable centralized memory (MIC) FL4 in figure 8; utilizing this information for transporting the logical data by head with a target being part of the logical data (column 15, lines 60-62 and column 23, lines 35-61) and updating the storage after transporting the logical data by the head (claim 1 states that the management data is written after a read operation, column 20, lines 15-21 and column 36, lines 54-63)

Re claim 6: As discussed in column 23, lines 36-61, only after the tape is slowed down is the ID read, this ID as pointed out with respect to figures 4A and 5A is part of each partition and which as discussed earlier is used in the formation of the data in the MIC

Re claim 7: the claimed reading and then storing positional information related to the target data is deemed satisfied by the updating writing/reading that is performed to the tape which then updates the data in the MIC

Re Claim 8: this claim additionally introduces a reserve storage area. This area could be considered the MIC with the centralized area considered as S-RAM (24) as discussed in column

12, lines 36-40 and column 36, lines 54-63. Note that S-RAM actually stores the information that is in MIC so that the methods as discussed with respect to claim 5 operate equally for MIC and S-RAM

Re claim 10: Kato et al. teaches a data position information device (figure1) comprising partitioned logical data distributed across a length of tape (figure 4A); an updateable centralized storage area that stores position data which is part of management data related to the logical data, (MIC) as discussed in column 15, line 31 – column 23, line 67); a search algorithm to locate target data that is part of the logical data (column 23, lines 35 – 61); a read head(s) (13A-13C); wherein upon passing the logical data by the head, i.e. after reading, the information is stored in the storage area (claim 1 states that the management data is written after a read operation column 20, lines 15-21 and column 36, lines 54-63)

Re claims 12 and 13: See column 18, lines 9-20 which indicates that partition information pointers for all the partitions are stored and these partitions (data groups) are distributed across the tape as shown in figure 4A

Re claims 15 and 16: these claims set forth substantially the same limitations as set forth in claims 1 and 5 respectively as discussed above with a computer program controlling the operations, which is deemed satisfied by controller (15)

*Allowable Subject Matter*

Claims 2, 3, 9, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The use of the first store algorithm and the second store algorithm as set forth in claims 2 and 11 is neither taught by nor an obvious variation of the art of record. Claim 3 depend on claim 2 and claim 14 depends on claim 11. The claimed method as set forth in claim 9/8 wherein the updateable storage area contains no data prior to the transporting the logical data passed the read head and only after this operation is the position information stored is neither taught by nor an obvious variation of the art of record.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bickers, Goodman et al., Basham et al. and Nakajima et al. each disclose a arrangement of keeping track of information stored on a medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
Andrew L. Snizek  
Primary Examiner  
Art Unit 2651

A.L.S.  
March 14, 2004